

AMENDED IN ASSEMBLY MAY 2, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2621

Introduced by Assembly Member Hueso

February 24, 2012

An act to ~~amend Sections 38091, 38092, and 38093 of~~ *add Section 38092.5 to the Education Code, relating to school cafeterias: education finance.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2621, as amended, Hueso. ~~School~~ *Education finance: school cafeterias: cafeteria fund.*

~~(1) Existing~~

Existing law authorizes the governing board of any school district to establish cafeterias in the schools under its jurisdiction, and authorizes the money received for the sale of food or for any services performed by the cafeterias to be paid into the county treasury to the credit of the “cafeteria fund” of the particular school district. Existing law requires the cafeteria fund to be used only for those expenditures authorized by the governing board of the school district as necessary for the operation of school cafeterias, including, but not limited to, expenditures for the lease or purchase of additional cafeteria equipment for the central food processing plant, vending machines and their installation and housing, and computer equipment and related software.

~~This bill would instead require the cafeteria fund to be only used for those expenditures authorized by the governing board of the school~~

~~district as necessary for the operation of school cafeterias and financial management of the cafeteria fund.~~

~~(2) Existing~~

Existing law authorizes the governing board of any school district with an average daily attendance of over 100,000 to allow as an expenditure from the cafeteria fund or account a share of money agreed upon pursuant to a contract, which is generated from the joint sale of items between the cafeteria and an associated student body student store.

~~This bill would instead authorize the governing board of a school district with an average daily attendance of over 20,000 to allow this expenditure from the cafeteria fund or account.~~

~~(3) Existing~~

Existing law authorizes the governing board of any school district to establish an account for each cafeteria established in a school of the school district, or for all cafeterias established in the schools of the school district, in one or more banks, and requires all receipts of the cafeteria, or cafeterias, as the case may be, derived from the sale of food to be deposited in the account and only expended for specified purposes.

~~This bill would also require the receipts deposited into the account to only be expended in accordance with a specified provision, notwithstanding the provisions referenced above, would authorize the Grossmont Union High School District and the Sweetwater Union High School District to allow as an expenditure from their respective cafeteria funds or accounts a portion of any funds that accrue from the joint sale of items involving a school cafeteria and an associated student body student store that is determined pursuant to an agreement entered into between the school cafeteria and the associated student body organization of that school. The bill would require this agreement to meet specified requirements.~~

This bill would make legislative findings and declarations as to the necessity of a special statute for the Grossmont Union High School District and the Sweetwater Union High School District.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 38092.5 is added to the Education Code,*
2 *to read:*

3 38092.5. *Notwithstanding Section 38092 or any other law:*

4 (a) *The Grossmont Union High School District and the*
5 *Sweetwater Union High School District may allow as an*
6 *expenditure from their respective cafeteria funds or accounts a*
7 *portion of any funds that accrue from the joint sale of items*
8 *involving a school cafeteria and an associated student body student*
9 *store that is determined pursuant to an agreement entered into*
10 *between the school cafeteria and the associated student body*
11 *organization of that school.*

12 (b) *The agreement referenced in subdivision (a) shall meet all*
13 *of the following requirements:*

14 (1) *The term of the agreement shall be for a period not to exceed*
15 *five years.*

16 (2) *The agreement shall be effective only if the school district*
17 *has obtained the prior written approval of the agreement from the*
18 *exclusive employee representative of the classified employees in*
19 *food service or cafeteria positions.*

20 (3) *The participation of pupils, either as employees or volunteers*
21 *under the agreement, shall not result in the displacement of any*
22 *classified employees, in a failure to fill new classified positions,*
23 *or in a failure to fill vacancies that may occur in existing classified*
24 *positions. As used in this paragraph, "displacement" includes,*
25 *but is not necessarily limited to, layoff, demotion, reduction in*
26 *work hours or work year, or transfer to another classification or*
27 *site.*

28 SEC. 2. *The Legislature finds and declares that a special law*
29 *is necessary and that a general law cannot be made applicable*
30 *within the meaning of Section 16 of Article IV of the California*
31 *Constitution because of the unique administrative circumstances*
32 *of the Grossmont Union High School District and the Sweetwater*
33 *Union High School District.*

34 ~~SECTION 1. Section 38091 of the Education Code is amended~~
35 ~~to read:~~

36 ~~38091. (a) The cafeteria fund shall be used only for those~~
37 ~~expenditures authorized by the governing board of the school~~

1 district as necessary for the operation of school cafeterias and
2 financial management of the cafeteria fund.

3 (b) If a cafeteria fund is operated pursuant to this article, the
4 governing board of a school district may authorize the
5 establishment of one or more cafeteria revolving accounts. For
6 accounting purposes, a cafeteria revolving account is to be treated
7 as a revolving cash account of the cafeteria fund, providing that
8 the receipt of income and expenditures made from a cafeteria
9 revolving account become recorded as income and expenditures
10 of the cafeteria fund. Appropriate transfers, replenishments, and
11 deposits between the cafeteria fund and a cafeteria revolving
12 account may occur as are necessary to comply with accounting
13 requirements. A cafeteria revolving account may receive and
14 expend moneys in the same manner and for the same purposes as
15 authorized for a cafeteria account.

16 (c) The governing board of a school district, or of two or more
17 school districts governed by governing boards of identical
18 personnel, may also make expenditures from the cafeteria fund
19 for the construction, alteration, or improvement of a central food
20 processing plant, for the installation of additional cafeteria
21 equipment for the central food processing plant, and for the lease
22 or purchase of vehicles used primarily in connection with the
23 central food processing plant.

24 SEC. 2. Section 38092 of the Education Code is amended to
25 read:

26 38092. The governing board of a school district with an average
27 daily attendance of over 20,000 may allow as an expenditure from
28 the cafeteria fund or account a share of money agreed upon
29 pursuant to a contract, which is generated from the joint sale of
30 items between the cafeteria and an associated student body student
31 store. The expenditure must result from an agreement entered into
32 by the cafeteria and the associated student body in which pupils
33 will participate in the operation of the store.

34 SEC. 3. Section 38093 of the Education Code is amended to
35 read:

36 38093. The governing board of a school district may establish
37 an account for each cafeteria established in a school of the school
38 district, or for all cafeterias established in the schools of the school
39 district, in one or more banks. The account shall be known as "The
40 Cafeteria Account of (insert name of district) District." If the

1 ~~account is established for one of several cafeterias, it shall be~~
2 ~~known as “The Cafeteria Account of the (insert name of school)~~
3 ~~School of (insert name of district) District.” All receipts of the~~
4 ~~cafeteria, or cafeterias, as the case may be, derived from the sale~~
5 ~~of food shall be deposited in the account and shall be expended~~
6 ~~only for the maintenance of the cafeteria, or cafeterias, exclusive~~
7 ~~of items made a charge against the funds of the school district by~~
8 ~~this chapter, and items made a charge against the funds of the~~
9 ~~school district by resolution of the governing board of the school~~
10 ~~district under authority of this chapter and pursuant to Section~~
11 ~~38091.~~

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